

OVERHEAD & UNDERGROUND EASEMENT #R-9403913-03

On Aug 11, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead and underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of

"Grantor" is:

J.C. Greenwood and Mary A. Greenwood, as Trustees under the terms of a certain Declaration of Trust dated November 5, 1979, whose address is 4655 Montgomery Rd., Marlette, Michigan 48453, and Michael A. Ogboh and Colleen Higgins Ogboh, husband and wife, 4472 Main St., Brown City, Michigan 48416

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in Burnside Township, Lapeer County, described as:

Commencing at the North 1/4 corner of Section 24, T10N-R12E, thence North 89°11'12" East 330.00 feet along the North line of said Section 24 to the point of beginning; RUNNING thence North 89°11'12" East 330.00 feet along the North line of said Section 24; thence South 01°20'28" East 670.30 feet; thence North 89°11'12" East 650.76 feet; thence South 01°20'28" East 1973.20 feet along the East 1/8 line of said Section 24; thence South 89°13'34" West 1305.84 feet along the East and West 1/4 line of said Section 24; thence North 01°26'53" West 1321.15 feet along the North and South 1/4 line of said Section 24; thence North 89°11'12" East 330.00 feet; thence North 01°26'53" West 1321.50 feet to the point of beginning.

The "Right of Way Area" is a part of Grantor's Land and is described as:

Shown on Exhibit "A" which is attached hereto and made a part hereof.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead and underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
2. **Access:** Grantee has the right of access to and from the Right of Way Area.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures shall be placed in the Right of Way Area without Grantee's prior written consent.
4. **Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences shall be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of transformers and switching cabinet enclosures. Grantee shall not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
6. **Restoration:** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

RECORDED RIGHT OF WAY NO. 46230

RECEIVED FOR RECORD

Witnesses: (type or print name below signature)

Michael A. Ogboh

MICHAEL A. OGBOH

Sheryl Workman

SHERYL WORKMAN

Betty J. Dean
BETTY J. DEAN

Grantor: (type or print name below signature)

J.C. Greenwood
J.C. Greenwood, as Trustee under the terms of a certain Declaration of Trust dated November 5, 1979

Mary A. Greenwood
Mary A. Greenwood, as Trustee under the terms of a certain Declaration of Trust dated November 5, 1979

Michael A. Ogboh
MICHAEL A. OGBOH

Colleen Higgins-Ogboh
COLLEEN HIGGINS OGBOH, HIS WIFE

94 OCT -11 PM 3:03
LIBER NO. 875 PAGE NO. 986988

Acknowledged before me in Lapeer County, Michigan, on August 11, 1994 by J.C. Greenwood and Mary A. Greenwood, as Trustees under the terms of a certain Declaration of Trust dated November 5, 1979.

BETTY J. DEAN
Notary Public, Lapeer County, MI
My Commission Expires Jan. 9, 1999

Notary's Stamp _____ Notary's Signature Betty J. Dean

Acknowledged before me in Lapeer County, Michigan, on August 11, 1994 by Michael A. Ogboh and Colleen Higgins Ogboh, husband and wife.

BETTY J. DEAN
Notary Public, Lapeer County, MI
My Commission Expires Jan. 9, 1999

Notary's Stamp _____ Notary's Signature Betty J. Dean

Prepared by and Return to: Betty J. Dean, 1075 Suncrest Dr., Lapeer, Michigan 48446/SEB

RECORDED RIGHT OF WAY NO. 46230

APPROVED AS TO FORM 8/29/94 DATE
LEGAL DEPARTMENT [Signature]

MEMORANDUM OF LAND CONTRACT

5051 (Rev. 1985) MEMORANDUM OF LAND CONTRACT. JOHNSON, BROS. & CO., SALAMANCA, MICH.

RECEIVED FOR RECORD

34 MAY -5 PM 12:37

LIBER NO. 850 PAGE NO. 245

REGISTRY OF DEEDS LAPEER COUNTY MICHIGAN

This Memorandum of Land Contract, entered into on -- April 29, 1994, BY AND BETWEEN: J. C. GREENWOOD and MARY A. GREENWOOD, as Trustees under the terms of a certain Declaration of Trust dated November 5, 1979, whose address is 4655 Montgomery Road, Marlette MI 48453

MICHAEL A. OGBOH and COLLEEN HIGGINS OGBOH, husband and wife, as tenants by the entirety, whose address is 6846 James Street, Brown City MI 48416

WITNESSETH:

Whereas, Purchaser and Seller have entered into a Land Contract of even date herewith; and, Whereas, the parties desire to enter into this Memorandum of Land Contract to give record notice of existence of said Land Contract.

Now Therefore, in consideration of the Premises and for other good and valuable consideration Seller acknowledges and agrees that they have sold to Purchaser on the Land Contract dated April 29, 1994, the following described premises situated in the Township of Burnside, County of Lapeer and State of Michigan, to-wit: Commencing at the North 1/4 corner of Section 24, T10N-R12E, Burnside Township, Lapeer County, Michigan; thence North 89 degrees 11 minutes 12 seconds East 330.0 feet along the North line of said Section 24 to the Point of Beginning; RUNNING THENCE North 89 degrees 11 minutes 12 seconds East 330.0 feet along the North line of said Section 24; thence South 01 degrees 20 minutes 28 seconds East 670.30 feet; thence North 89 degrees 11 minutes 12 seconds East 650.76 feet; thence South 01 degree 20 minutes 28 seconds East 1973.20 feet along the East 1/8 line of said Section 24; thence South 89 degrees 13 minutes 34 seconds West 1305.84 feet along the East and West 1/4 line of said Section 24; thence North 01 degrees 26 minutes 53 seconds West 1321.15 feet along the North and South 1/4 line of said Section 24; thence North 89 degrees 11 minutes 12 seconds East 330.00 feet; thence North 01 degrees 26 minutes 53 seconds West 1321.50 feet to the Point of Beginning. Being a part of the Northeast 1/4 of Section 24, T10N-R12E, Burnside Township, Lapeer County, Michigan.

The purpose of this Memorandum of Land Contract is to give record notice to the existence of the aforesaid Land Contract.

In Witness Whereof, the parties hereto have signed and sealed this Memorandum of Land Contract on the day and year first above written.

Executed by Seller in the presence of

St Stanley Chrysler
STANLEY J. CHRYSLER
James W. Donley
JAMES W. DONLEY

J.C. Greenwood (L.S.)
MARY A. GREENWOOD, as Trustee under the terms of a certain Declaration of Trust dated November 5, 1979 (L.S.)

Executed by Purchaser in the presence of

Heidi L. Westover
HEIDI L. WESTOVER
James W. Donley
JAMES W. DONLEY

Michael A. Ogboh (L.S.)
COLLEEN HIGGINS OGBOH (L.S.)

STATE OF MICHIGAN } ss.
COUNTY OF Sanilac }

The foregoing instrument was acknowledged before me on April 29, 1994, By J. C. Greenwood and Mary A. Greenwood, as Trustees under the terms of a certain Declaration of Trust dated November 5, 1979, Michael A. Ogboh and Colleen Higgins Ogboh.

DANIEL E. ATKINS (P10283)
Attorney at Law
2998 Fenner Street
Marlette MI 48453

James W. Donley
JAMES W. DONLEY Notary Public,
Sanilac County, Michigan,
My commission expires 9/23/96

SEE FOOT NOTE ON OTHER SIDE

RECORDED RIGHT OF WAY NO.

46230

Tenant(s) J. C. GREENWOOD and MARY A. GREENWOOD as Trustees under the terms of a certain Declaration of Trust, dated November 5, 1979, whose address is 4655 Montgomery Road, Marlette MI 48453, convey(s) and warrant(s) to MICHAEL A. OGOBOH and COLLEEN HIGGINS OGOBOH, husband and wife, as tenants by the entirety,

whose address is 6846 James Street, Brown City MI. 48416

the following described premises situated in the Township of Burnside, County of Lapeer, and State of Michigan: Commencing at the North 1/4 corner of Section 24, T10N-R12E, Burnside Township, Lapeer County, Michigan and the Point of Beginning; RUNNING THENCE North 89 degrees 11 minutes 12 seconds East 330.0 feet along the North line of said Section 24; thence South 01 degrees 26 minutes 53 seconds East 1321.50 feet; thence South 89 degrees 11 minutes 12 seconds West 330.0 feet; thence North 01 degrees 26 minutes 53 seconds West 1321.50 feet along the North and South 1/4 line of said Section 24 to the Point of Beginning. Being a part of the Northeast 1/4 of Section 24, T10N-R12E, Burnside Township, Lapeer County, Michigan.

for the sum of FIFTEEN THOUSAND AND NO/100 (\$15,000.00) DOLLARS,

subject to easements and building and use restrictions of record and further subject to ---

Dated this 29th day of April

Signed in presence of:

Heidi L. Westover
* HEIDI L. WESTOVER
James W. Donley
* JAMES W. DONLEY

Lapeer County 08754
STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
Dept. of Taxation MAY-5'94 16.50
PB.10570
Signed by:

J. C. Greenwood
* J. C. GREENWOOD, as Trustee under the terms of a certain Declaration of Trust dated November 5, 1979
Mary Greenwood
* MARY A. GREENWOOD, as Trustee under the terms of a certain Declaration of Trust dated November 5, 1979

STATE OF MICHIGAN, } SS.

COUNTY OF SANILAC

The foregoing instrument was acknowledged before me this 29th day of April 19 94, by J. C. Greenwood and Mary A. Greenwood, as Trustees under the terms of a certain

Declaration of Trust dated November 5, 1979

Office of The Treasurer of Lapeer County, Michigan
5-9 19 94

I hereby certify that the taxes on the real estate held by the State of Michigan, as described in the within description, and all taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office.

County Treasurer

James W. Donley
JAMES W. DONLEY
Notary Public, SANILAC County, Michigan
My commission expires: 09/23/96

County Treasurer's Certificate

City Treasurer's Certificate

When Recorded Return To:

Gravelle
(Name)

(Street Address)

(City and State)

Send Subsequent Tax Bills To:

Drafted By: DANIEL E. ATKINS,
ATTORNEY AT LAW
Business Address: 2998 FENNER
STREET, MARLETTE MI 48453

Tax Parcel # *ptg 005-124-003-00* Recording Fee \$10.00 Transfer Tax \$16.50 ✓

* TYPE OR PRINT NAMES UNDER SIGNATURES.

RECEIVED FOR RECORD
94 MAY -5 PM 12:35
LIBER NO. 856 PAGE NO. 244
Melissa DeVaugh
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

RECORDED RIGHT OF MAY NO 46230

KNOW ALL MEN BY THESE PRESENTS: That J.C. Greenwood and Mary A. Greenwood, his wife, and Jeffery D. Greenwood*and Todd W. Greenwood**
whose address is 4655 Montgomery Rd. Marlette, Michigan. 48453
*a married man **a single man HB

Quit Claim(s) to J.C. Greenwood and Mary A. Greenwood, as Trustees under the terms of a certain Declaration of Trust dated November 5, 1979
whose address is 4655 Montgomery Rd. Marlette, Michigan 48453

the following described premises situated in the Township of Burnside and State of Michigan, to-wit:
County of Lapeer

The West one - half of the northeast one-quarter of Section 24, Town 10 North, Range 12 East, Burnside Township, Lapeer County, State of Michigan, subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

RECEIVED FOR RECORD

93 SEP 15 PM 2:49

LIBER NO. 820 PAGE NO. 939

Melissa Miles
REGISTRAR OF DEEDS
LAPEER COUNTY, MICHIGAN

This instrument is exempt from the real estate transfer tax by virtue of ACT 134 of 1966 as amended by ACT 258 of 1967 and ACT 327 of 1980, Section 5, Paragraph A.
for the full consideration of (1.00) One Dollar

Dated this 2nd day of June 1993

Witnesses:

Signed and Sealed:

Linda K. Ford
Linda K. Ford
Loretta Kardell
Loretta Kardell

J.C. Greenwood (L.S.)
Mary A. Greenwood (L.S.)
Jeffery D. Greenwood (L.S.)
Todd W. Greenwood (L.S.)

STATE OF MICHIGAN } ss.
COUNTY OF Lapeer

The foregoing instrument was acknowledged before me this 2nd day of June 1993

by J.C. Greenwood and Mary A. Greenwood and Jeffery D. Greenwood and Todd W. Greenwood
My commission expires 6-21-93

Michael F. Boice
Michael F. Boice Sanilac County, Michigan
Notary Public

Instrument Drafted by Mike Boice

Business Address: 2592 S. Van Dyke Rd. Marlette, Mi. 48453

Recording Fee 9.00

When recorded return to J.C & Mary Greenwood
4655 Montgomery Rd.
Marlette, Mi. 48453

State Transfer Tax -0-

Send subsequent tax bills to

Tax Parcel #

RECORDED RIGHT OF WAY NO. 4636

EXP VIT "A"

N 1/4 COR. SEC. 24 (Lapeer)
S 1/4 COR. SEC. 13 (SANILIA)

RIW SECURED
MARGARET CHATEAU

#4708

2097'

MONTGOMERY RD.

590'

330'

165'

306'

O.K.

APPROX PROP LINE

TREE REMOVAL REQUIRED
(MARKED WITH RIBBON)

2163'

200' U.G. SERVICE

#4727

O.K.

RIW SECURED

MICHAEL A OGBOH
COLEEN HIGGINS OGBOH
4472 MAIN ST. BROWN CITY MI.

NOTE: CROSSARM CONSTRUCTION ANCHORS AT 30' WHERE SHOWN ALL DIMENSIONS APPROX. TREE WORK REQUIRED AS NOTED

1321.50

1321.50

330'

LAPEER RD. RECORDED RIGHT OF WAY NO. 4635

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT: R/W SECURED AS INDICATED ON THIS SKETCH		PERMITS TO:	
BY	<i>M.A.</i>	RECORD CENTER	<i>2</i>
DATE	<i>8-22-94</i>	R/W FILES	<i>2</i>
DATE WANTED	<i>A.S.A.P.</i>	MBI	<i>0</i>
DISTRICT FIELDMAN	<i>Bjorn</i>	NO. FOR	<i>2</i>
		TOTAL	<i>2</i>

LEGEND

	FOREIGN POLE
	EXIST D.E. CO. POLE
	PROPOSED POLE
	EXIST ANCHOR
	PROPOSED ANCHOR
	TREE
	120/240 VOLT LINE
	4800 VOLT LINE
	13,200 VOLT LINE
	40,000 VOLT LINE

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT

QTR. OR TOWNSHIP BURNSIDE	COUNTY LAPPEER	QTR. & TWP. SECT. NO. 24	DEPT. ORDER NO.
MAP SECT. 2-352-652	TOWN 10N	RANGE 12E	R/W NO. 9403913-03
PROJECT NAME	TEL ENGR & DIST.		PROJ. OR PART NO.
CIRCUIT B281 MARLT 4.8KV			O.F.W. S.O. OR P.E. NO.
REASON NEW RES 4427 MONTGOMERY RD.			BUDGET ITEM NO.
PLANNER G. STOCKMAN	SCALE 1"=200'±	DATE 8-3-94	